

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2805 OF 2018

Manohar Chetansas Sukhwani .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

Mr. Mohammed Wasim Qureshi i/b Rabiya Bhamla for the Petitioner.
Ms. Jyoti P. Jadhav, AGP for the Respondent No.1-State.
Mr. A. B. Shinde for the Respondent No.2.

CORAM : A. A. SAYED & V. L. ACHLIYA, JJ.
DATE : 5th MARCH, 2018.

P. C. :

1. The Petitioner has challenged the order of the learned Metropolitan Magistrate in an Application filed by the Respondent No.2-Bank under Section 14 of the SARFAESI Act. The Petitioner claims to be a tenant in respect of the secured asset. Learned Counsel for Respondent No.2-Bank informs the Court that the Respondent Nos.3 and 4 (borrowers) have already filed Securitisation Application before Debt Recovery Tribunal.
2. Inasmuch as the Petitioner has an alternate remedy to approach the DRT, we are not inclined to entertain the Petition. The Petition to stand disposed of with liberty to the Petitioner to approach the DRT.
3. Learned counsel for the Petitioner seeks a direction to defer the taking possession of the secured asset by the Respondent No.2-Bank. The learned Counsel for the Petitioner is not able to show any cogent and reliable document showing actual occupation of the Petitioner of the

secured asset. Hence, we are not inclined to accede to his request. We clarify that the DRT would be free to pass appropriate orders as it deem fit without being influenced by this order.

[V. L. ACHLIYA, J.]

[A. A. SAYED, J.]